

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. 12,080

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Appeal of)

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DISCUSSION

The petitioner appealed the decision by the Department of Social Welfare terminating his food stamps and fuel assistance as of December 31, 1992. After a protracted appeal (detailed in the Recommendation of the Hearing Officer dated February 10, 1994) the Department of Social Welfare informed the petitioner and the Board that it had reversed its decision and had granted the petitioner food stamps and fuel assistance retroactive to January 1, 1993. The petitioner maintains, however, that he is also entitled to "damages" from the Department for expenses he allegedly incurred, over and above the amount of benefits at issue, during the period in which he did not receive food stamps and fuel assistance.

The Board concludes that the petitioner's appeal as to any restoration of lost benefits is now moot as a result of the Department's "reversal" of its decision regarding the petitioner's food stamps and fuel assistance. The petitioner has now received, or will so shortly, all the benefits to which he was entitled during the months in question.

As for the petitioner's claim for "damages" (see Footnote 7 of the Recommendation of the Hearing Officer), the Board concludes this aspect of the petitioner's appeal is beyond its jurisdiction. 3 V. S. A. § 3091. Monetary claims such as this can only be brought before a judicial court, not an administrative appeal body. The petitioner is directed to a Vermont county Superior Court if he wishes to pursue this claim further.

ORDER

For the above reasons the petitioner's appeal in this matter is hereby DISMISSED.